

OFFICE MEMORANDUM

Subject: Adoption of the guidelines framed by DOT to grant compensation to the families of the victims dying at public places due to the negligence and/or unforeseen causes.

The undersigned is directed to convey the approval of CEO, NITI Aayog for the adoption of Guidelines framed by Department of Telecommunications (copy enclosed) mutatis mutandis regarding the settlement of claims for compensation to the families of the victims dying at public places due to the negligence and/or unforeseen causes for implementation in NITI Aayog and in the offices functioning under its administrative control i.e. DMEO & NILERD for information and compliance.

2. This issues with the concurrence of AS&FA, NITI Aayog vide note dated 08.06.2018.



(Dinesh Kochher)

Under Secretary to Govt. of India

Copy for information and compliance to:

1. NITI Aayog and offices functioning under its Administrative Control i.e DMEO & NILERD

Copy for information to:

1. Cabinet Secretariat,
(Sh. Alok Tiwari, Deputy Secretary)
Rashtrapati Bhawan, New Delhi.



(Dinesh Kochher)

Under Secretary to Govt. of India

Annexure - c

GUIDELINES FOR SETTLEMENT OF CLAIMS FOR COMPENSATION ON ACCIDENTS APPLICABLE TO THE DEPARTMENT OF TELECOMMUNICATIONS AND PUBLIC SECTOR UNDERTAKINGS UNDER ITS CONTROL

PREAMBLE

Accidents are unfortunate incidents, occurrences of which cannot be obliterated completely, but can only be minimized by adopting most vigilant practices, safety precautions etc. Sometimes accidents do happen when responsibility and liability cannot be affixed on certain individuals or malfunctioning of certain machinery and the Law recognizes the Principle of 'No faulty Liability' for such unfortunate incidents. In such cases, the loss of life and loss of dependency cost of the dependents of such victims cannot be written off merely on the pretext that negligence on the part of Department or its agencies cannot be substantiated for want of stricter proofs. Also being in the public domain and mandated by the Constitution to work for the larger interest of the society, it is expected from the Department/Entities to pay a just compensation for any loss of life or a good life to the victims or dependents of such victims in addition to the existing provisions under various welfare legislations. The Department being model employer is required to undertake certain duties.

The need of payment of such compensation by the Department to the sufferer of such accidents is recognized and stressed upon by the Hon'ble Courts in various judgments and more recently in FAO 154/2013 and & CM No 5185/2013, wherein Hon'ble High Court of Delhi has directed to frame standard policy of payment of compensation to the family of the victims who die or become permanently disabled while carrying out hazardous jobs at the sites or work places of Department. The Hon'ble Court recognizing the principle of Strict Liability has issued directions to frame the guidelines in consonance of the concept of Welfare State enshrined in the Constitution of India.

Keeping in view the above scenario and directions of Hon'ble High Court of Delhi in FAO 154/2013 & CM No 5185/2013 in the matter of WRITER